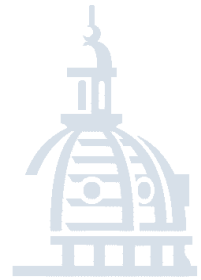


## **Fiscal Note**

*Fiscal Services Division*



---

**HF 43** – Juvenile Justice Accountability and Improvement Act (LSB1100YH)  
Analyst: Beth Lenstra (Phone: 515-281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))  
Fiscal Note Version – New  
Requested by Representative Beth Wessel-Kroeschell

---

### **Description**

**House File 43** provides a mechanism for offenders serving life sentences (“lifers”) imposed for a crime committed under age 18. The Bill sets criteria for the offender to follow in submitting an application for parole or work release to the Department of Corrections (DOC). The offender must have served at least 15 years in prison before becoming eligible. The Bill also imposes requirements on the DOC (corrections counselors and the Director) for making recommendations to the Board of Parole. The Bill sets criteria for the Board of Parole to consider in making the determination of granting or denying parole or work release. The Board of Parole retains the final decision-making authority to grant or rescind parole or work release, and the length of the parole or work release term. Offenders denied release may re-apply every two years. The Bill provides for input from the Attorney General and victims.

### **Background**

#### **Correctional and Fiscal Information**

1. Under current law, lifers serve their sentence in prison. The Board of Parole is required to make recommendations to the Governor for all applications for reprieves, pardons, or sentence commutations. These release mechanisms are rarely used in Iowa.
2. Currently, the average time served in prison prior to death or other release is 14.1 years for lifers.
3. The average age of current lifers is 50. The median age at death is 57 years.
4. There were 623 Iowa lifers in prison on February 4, 2009, and three of these were serving their sentence out of state. Of these, 42 lifers committed their offense under age 18. All of the 42 offenders were convicted of First Degree Murder or First Degree Kidnapping. Of these 42 lifers, 19 will have served at least 15 years of their sentence by July 1, 2009. This is likely the largest pool of eligible offenders at any given time for this release mechanism over the next five fiscal years.
5. The marginal cost (support budget only) for the State prison system is \$18.72 per day. The annual marginal cost is \$6,800 per offender.
6. The Board of Parole indicates it will review all cases sent by the DOC. The Board of Parole will incur additional costs associated with evidentiary hearings to consider this release mechanism.

## **Minority Data Information**

1. The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2007 (the most current estimates available). Men accounted for 49.3% of the population. Approximately 91.0% of Iowa's population is white. The composition of the remaining 9.0% is: 2.3% black, 0.3% American Indian or Alaska Native; 1.5% Asian; 0.01% native Hawaiian or other Pacific Islander; 3.8% Hispanic or Latino (of any race); and 1.09% is unknown.
2. The U.S. Department of Justice estimates there were 2.3 million offenders incarcerated in federal or State prisons and local jails on June 30, 2007 (the most recent data available). Men accounted for 90.9% of the population. Approximately 38.4% of the 2.3 million offenders were black; 37.1% were white; 19.3% were Hispanic; and 5.2% were of other races or unknown.
3. Iowa's prison population consisted of 8,740 offenders on June 30, 2008. Men accounted for 91.3% of the population. According to the Department of Corrections (DOC), the racial composition of the prison system was: 72.3% white; 25.2% black; 0.8% Asian or Pacific Islander; and 1.6% American Indian or Alaska Native; and 0.1% was unknown.
4. According to the Iowa DOC, on June 30, 2008, approximately 8.7% of the offenders in prison were women.
5. Of the 42 lifers under age 18 when the offense was committed, four (9.5%) are women and 38 (90.5%) are men. Eleven are black (26.2%); 26 are white (61.9%), and five (11.9%) are Hispanic.

## **Assumptions**

### **Correctional and Fiscal Impact**

1. The Bill takes effect July 1, 2009.
2. It is not known how many offenders will be released under House File 43. Currently, sentence commutation is rare in Iowa. It is anticipated that House File 43 will be rarely used.
3. The three part-time Board of Parole members will require one more per diem day at \$309 per day. The Board will require one additional staff.

### **Minority Impact**

Approximately 14.0% of Iowa's population has at least one disability. The number of offenders convicted under this Bill that have a disability may be 14.0%.

## **Summary of Impacts**

### **Correctional Impact**

The correctional impact is expected to be minimal. It is expected that at most, one offender will be released from prison for each of the next five years. House File 43 is not expected to have an impact on parole caseloads. It is possible that no offenders will be released under this Bill.

### **Minority Impact**

The minority impact is expected to mirror the current statistics. Offenders released under the Bill will most likely to be white males.

### **Fiscal Impact**

House File 43 is expected to cost the General Fund \$16,000 annually. This amount includes an increase of \$23,000 for the Board of Parole (\$22,000 for one half of one clerk plus \$1,000 in Board per diem). This amount includes a decrease (savings) to the operating budget of the prison system of approximately \$7,000.

## **Sources**

Criminal and Juvenile Justice Planning Division of the Department of Human Rights  
Department of Corrections  
Board of Parole

/s/ Holly M. Lyons

February 13, 2009

---

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

---